IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5474 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VADODARA DISTRICT PANCHAYAT

Versus

RAJENDRAKUMAR PRATAPBHAI PARMAR

Appearance:

MR MITUL K SHELAT for the Petitioner.

MR TR MISHRA for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 09/08/2002

ORAL JUDGEMENT

Rule. With the consent of the parties, the matter is finally heard today.

By the impugned order dated 29.9.2001, the Labour Court, Vadodara has passed an order of reinstatement in favour of the respondent-workman. The said order is

challenged before this Court.

Today, Mr.Mitul Shelat has frankly pointed out that the petitioner has already reinstated the respondent-workman in service on his original post. Now, the only question which requires consideration is regarding back wages. The Labour Court has awarded 50% back wages for the intervening period. However, Mr.Mishra has fairly stated before the Court that this amount can be suitably modified as deemed fit by this Court.

Considering the facts and circumstances of the case, and considering the nature of the duty which the respondent was discharging, it is not possible to believe that he might have remained unemployed for all these years. Under these circumstances, while confirming the order of reinstatement, I direct the petitioner to pay a lump sum of Rs.2,500/- towards back wages for the intervening period, during which the respondent was out of service. The said amount may be paid to the respondent-workman within a period of 20 days from today.

Mr.Mishra further submitted that if the respondent is accommodated nearby to his home town, it may save his difficulties, because he has to survive with a meagre salary of Rs.450/-, 40 K.Ms. away from his home town. For this purpose, the respondent may make necessary representation to the petitioner and Mr.Shelat has assured the Court that a sympathetic view will be taken by the petitioner to accommodate the respondent nearby to the place of his residence. The respondent may make necessary representation within a period of one month from today.

The petition is disposed of accordingly. The Award of the Labour Court is modified accordingly. The order of reinstatement of the respondent is not disturbed and the respondent be continued in service, with all consequential benefits for the intervening period except back wages for the entire period. Instead, the petitioner may pay Rs.2,500/- towards back wages.

The petition is partly allowed to the above extent. Rule is made absolute accordingly.

(P.B. Majmudar, J.)

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(apj)